

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OPENWAVE SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 11-765-RGA
)	
APPLE INC., et al.,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
)	

**RESEARCH IN MOTION LTD., RESEARCH IN MOTION CORP., AND APPLE INC.’S
JOINT REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF JOINT MOTION TO
DISMISS OR STRIKE CLAIMS IN UNWIRED PLANET, INC.’S
FIRST AMENDED COMPLAINT**

Defendants Research In Motion Ltd. and Research In Motion Corp. (“RIM”), and Apple Inc. (“Apple”) (collectively, “Defendants”) hereby submit this Request for Judicial Notice in support of their Joint Motion to Dismiss or Strike Claims in Unwired Planet, Inc.’s First Amended Complaint. Defendants respectfully request that the Court take judicial notice of the following documents pursuant to Fed. R. Evid. 201(b) and *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007).

1. Order No. 46: Construing the Terms of the Asserted Claims of the Patents at Issue, ITC Inv. No. 337-TA-809, *In the Matter of Certain Devices for Mobile Data Communication*, dated September 28, 2012. A true and correct copy is attached as Exhibit 1.

2. Order No. 51: Granting Complainant’s Motion for Clarification of the Markman Order, ITC Inv. No. 337-TA-809, *In the Matter of Certain Devices for Mobile Data Communication*, dated October 5, 2012. A true and correct copy is attached as Exhibit 2.

3. Complainant's Notice of No Triable Issue of Fact as to the Question of Infringement of All Asserted Claims of U.S. Patent Nos. 6,405,037, 6,430,409, and 6,625,447, ITC Inv. No. 337-TA-809, *In the Matter of Certain Devices for Mobile Data Communication*, dated October 5, 2012. A true and correct copy is attached as Exhibit 3.

4. Joint Submission of All Parties Regarding Status of the Investigation and Requesting Initial Determination Finding No Violation of Section 337 and Recommending Termination of the Investigation, ITC Inv. No. 337-TA-809, *In the Matter of Certain Devices for Mobile Data Communication*, dated October 11, 2012. A true and correct copy is attached as Exhibit 4.

5. Complainant Unwired Planet, Inc.'s Motion for Termination of the Investigation Based on Withdrawal of the Complaint and Request for Suspension of Procedural Schedule Pending Ruling on Motion, ITC Inv. No. 337-TA-809, *In the Matter of Certain Devices for Mobile Data Communication*, dated October 12, 2012. A true and correct copy is attached as Exhibit 5.

6. Order No. 60: Initial Determination Granting Complainant's Unopposed Motion for Termination of the Investigation Based on Withdrawal of the Complaint, ITC Inv. No. 337-TA-809, *In the Matter of Certain Devices for Mobile Data Communication*, dated October 12, 2012. A true and correct copy is attached as Exhibit 6.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Bruce A. Wessel
Alan J. Heinrich
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Tel: (310) 277-1010
bwessel@irell.com
aheinrich@irell.com

Dated: February 1, 2013
1092721 / 37280

By: /s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Bindu A. Palapura (#5370)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com
bpalapura@potteranderson.com

*Attorneys for Defendants Research in Motion
Ltd. and Research in Motion Corp.*

MORRIS JAMES LLP

OF COUNSEL:

Josh Krevitt
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Tel.: 212.351.4000
Fax: 212.351.4035

H. Mark Lyon
Y. Ernest Hsin
GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Tel.: 650.849.5300
Fax: 650.849.5333

Dated: February 1, 2013

By: /s/ Mary B. Matterer

Richard K. Herrmann (#405)
Mary B. Matterer (#2696)
Kenneth L. Dorsney (#3726)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
(302) 888-6800
rherrmann@morrisjames.com
mmatterer@morrisjames.com
kdorsney@morrisjames.com

Attorneys for Defendant Apple Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on February 1, 2013, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on February 1, 2013, the attached document was Electronically Mailed to the following person(s):

Jack B. Blumenfeld
Rodger Dallery Smith, II
Morris, Nichols, Arsht & Tunnell LLP
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
jbbefiling@mnat.com
rdsefiling@mnat.com

Richard K. Herrmann
Kenneth Laurence Dorsney
Mary Matterer
Morris James LLP
500 Delaware Avenue, Suite 1500
P.O. Box 2306
Wilmington, DE 19899-2306
rherrmann@morrisjames.com
kdorsney@morrisjames.com
mmatterer@morrisjames.com

By: /s/ David E. Moore
Richard L. Horwitz
David E. Moore
Bindu A. Palapura
POTTER ANDERSON & CORROON LLP
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com
bpalapura@potteranderson.com